

UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF THE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION

SEPTEMBER 1985

GEN-85-17

DOCUMENTATION OF CITIZENSHIP STATUS IN THE 1985-86 AWARD YEAR

Dear Colleague:

To qualify as an eligible student under the Pell Grant Program regulations published on March 15, 1985, a student who is not a United States citizen or National or who is not a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands must provide evidence from the U.S. Immigration and Naturalization Service that he or she is a permanent resident of the United States or is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident. The regulations in effect prior to the March 15, 1985 regulations did not require a permanent resident of the United States to provide such evidence.

As you know, the documentation of citizenship status is not an item that is being flagged for validation in the Pell Grant Program in 1985-86. The 1985-86 <u>Validation Handbook</u>, therefore, does not include a discussion of the requirements for documenting a student's citizenship status. While you may use the information in the 1984-85 <u>Validation Handbook</u>, that information has changed as we have noted in the following:

- o The 1984-85 Student Financial Aid Handbook as revised through January 1985.
- o The 1985-86 Counselor's Handbook.
- o Several administrative policy questions and answers.

We have consolidated the information from these sources and included additional information on the requirements to provide you with a single, consistent source of information in the enclosure entitled "Documentation of Citizenship Status in the 1985-86 Award Year."

We have published the same citizenship requirements as those in the March 15 Pell Grant Program regulations in the February 27, 1985 Notice of Proposed Rulemaking (NPRM) for the campus-based (National Direct Student Loan, College Work-Study, and Supplemental Education Opportunity Grant) programs and are publishing them in an NPRM for the Guaranteed Student Loan (GSL) and PLUS programs. As in the Pell Grant program regulations effective prior to March 15, the current campus-based program regulations require that only a person who is not a U.S. citizen, a U.S. National, or a permanent resident of the U.S., the Trust Territory of the Pacific Islands, or the Northern Mariana Islands must provide evidence that he or she is in the U.S. for other

Page 2 - Dear Colleague:

than a temporary purpose with the intention of becoming a citizen or permanent resident. The current GSL and PLUS program regulations only require that such a person "can provide" evidence that he or she is in the the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident.

The attached enclosure assumes that the program regulations for the campus-based, GSL and PLUS programs have already been revised to be consistent with those for the Pell Grant Program. Therefore, the requirements and information in the enclosure do not apply to non-Pell eligibles receiving assistance under the campus-based, GSL, and PLUS programs. However, the enclosed information will apply to these programs when their respective regulations are published in final, and we are encouraging institutions to follow the citizenship requirements of the Pell Grant Program in the interim for all non-Pell eligible students until we publish final regulations for these programs.

At this time we are not publishing new regulations to revise the citizenship requirements of the State Student Incentive Grant (SSIG) Program which are the same as the current campus-based program requirements. However, institutions may follow the requirements in the March 15, 1985 Pell Grant Program regulations for eligible noncitizens receiving assistance under the SSIG Program.

Sincerely,

C. Ronald Kimberling

Acting Assistant Secretary for Postsecondary Education Daniel R. Lau

Director, Student Financial

Assistance Programs

DOCUMENTATION OF CITIZENSHIP STATUS IN THE TITLE IV PROGRAMS EFFECTIVE IN THE 1985-86 AWARD YEAR*

I. Citizenship and Eligibility for Title IV Aid

To receive aid under the Title IV programs (Pell Grant, National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan, PLUS, and State Student Incentive Grant (SSIG) programs), a student must be a United States citizen or an eligible noncitizen. Eligible noncitizens include (1) noncitizen Nationals (natives of American Samoa or Swain's Island), (2) permanent residents of the Trust Territory of the Pacific Islands or the Northern Mariana Islands, and (3) other noncitizens who provide evidence from the U.S. Immigration and Naturalization Service (INS) that they are permanent residents of the U.S. or are in the U.S. for other than a temporary purpose with the intention of becoming citizens or permanent residents. Only U.S. citizens, noncitizen Nationals, and permanent residents of the Trust Territory of the Pacific Islands or the Northern Mariana Islands may receive Guaranteed Student Loans or PLUS loans to attend eligible foreign institutions.

If a student's citizenship status changes from "ineligible" to "eligible" during the award year, the student may receive Title IV aid for the entire award year as long as the student meets all the other program requirements for each program under which he or she is receiving assistance.

In the 1984-85 award year, a student's citizenship status was a required validation item in the Pell Grant Program. Starting in the 1985-86 award year, citizenship status is no longer a required validation item in that program. However, for all Title IV programs except the SSIG Program, eligible noncitizens who are not U.S. Nationals or permanent residents of the Trust Territory of the Pacific Islands or the Northern Mariana Islands must provide evidence of their citizenship status from INS.

II. United States Citizen

If a student states on his or her application that he or she is a U.S. citizen, we do not require the student to provide documentation of citizenship unless other documentation in the student's file indicates he or she is not a citizen. If a student changes his or her filing status from "eligible noncitizen" to "U.S. citizen," you must resolve this discrepancy by requiring the applicant to document that he or she is a U.S. citizen.

^{*}See the covering "Dear Colleague" letter for current requirements and proposed changes in the program regulations. This document assumes that the proposed changes have already been adopted in the campus-based, GSL, and PLUS programs.

To document U.S. citizenship, a student born in the United States may provide documentation such as:

- o A copy of a birth certificate;
- o A copy of a baptismal certificate;
- o A voter registration card; or
- o A statement signed by a person other than a family member such as a priest, clergyman, or doctor.

To establish citizenship status, a student not born in the United States shall have a Certificate of Citizenship, a Certificate of Naturalization, or a completed Form G-641 "Application for Verification of Information from Immigration and Naturalization Service Records," from INS. INS has informed us that it is illegal for anyone to photocopy a Certificate of Citizenship or Naturalization (Section 1426(h) of Title 18 U.S. Code). Therefore, a student must present to you an original only. If he or she submits a copy, you should advise him or her of the illegality of the action and request the original. Because you cannot copy the certificate and because the certificate should be returned to the student, you must keep a statement in the student's file confirming that the student presented proof of his or her status. Both you and the student must sign the statement.

If the student presents a Certificate of Citizenship, the statement must include at least the following information:

- o The application number.
- o The certificate number (in the upper right hand corner).
- o The student's name.
- o The date of issuance of the certificate.

If the student presents a Certificate of Naturalization, the statement must include at least the following information:

- o The certificate number (in the upper right had corner).
- o The petition number.
- o The INS Alien Registration Number.
- o The student's name.
- o The name of the court where the naturalization occurred.
- o The date of naturalization.

If the student presents Form G-641, "Application for Verification of Information from Immigration and Naturalization Service Records," the form must be completed as described below in Part VI.

rt (SAR) who changes his or her 1" to "U.S. citizen" on his or her vill receive a comment in his or her to provide proof of citizenship is to document their citizenship status.

III. Eligible Noncitizen

For Title IV purposes, an eligible noncitizen is one of the following:

- o A noncitizen National (a native of American Samoa or Swain's Island).
- o A permanent resident of the Government of the Northern Mariana Islands.
- o A permanent resident of the Trust Territory of the Pacific Islands (which includes the Marshall Islands and the Caroline Islands).
- o United States permanent resident holding an Alien Registration Receipt card (Form I-551 or Form I-151), a passport, or a Departure Record (I-94) with appropriate endorsements.*
- o An applicant for permanent residence who has an I-94 or other document with appropriate endorsements.*
- o An applicant who has a Departure Record (I-94) with the appropriate endorsements.*
 - * NOTE: The appropriate endorsements are described in Part V.

IV. Noncitizen National (a native of American Samoa or Swain's Island) and Permanent Resident of the Northern Mariana Islands or of the Trust Territory of the Pacific Islands

We do not require these students to provide evidence of their citizenship status. However, eligible noncitizens from the Northern Mariana Islands and the Trust Territory must provide evidence of their citizenship status if their permanent address is no longer in these locations (see the requirements for other eligible noncitizens described in Part V).

In some cases an eligible noncitizen from these locations may receive a SAR with a comment in the eligibility letter that the student must provide evidence of his or her citizenship status. You must require these students to provide evidence of their citizenship status unless you determine that they are noncitizen Nationals. If a permanent resident of the Northern Mariana Islands or the Trust Territory of the Pacific Islands provided an address on his or her application other than his or her permanent mailing address, you do not need to collect evidence of citizenship status, but you must note the correct permanent mailing address in the student's file.

The following evidence documents that these students are eligible noncitizens:

- o U.S. noncitizen Nationals U.S. passport stamped "noncitizen National."
- o Permanent resident of the Trust Territory of the Pacific Islands Passport from the Trust Territory.
- o Permanent resident of the Northern Mariana Islands Passport from the Government of the Northern Mariana Islands.

V. Other Eligible Noncitizen

An eligible noncitizen who is not a U.S. national or a permanent resident of the Trust Territory of the Pacific Islands or of the Northern Mariana Islands must provide evidence from INS that he or she is a permanent resident of the United States or is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident. However, under the SSIG Program a permanent resident of the United States need not provide evidence.

To document his or her status, the applicant must provide the INS documentation described below. The INS documents will be stamped in a rust colored ink. They will normally contain a validation which indicates office of issuance and a code to indicate the officer who prepared the document. Examples of codes are "WAS-82" (Washington District Office, Officer Number 82) and "1/13/84 SPO.KD" Spokane Office, officer's initials KD).

- A. Documentation to Establish Lawful Permanent Resident Status in the United States:
 - 1. Alien Registration Receipt Card (Form I-551 or Form I-151 -- Both forms are usually referred to as "green cards" although they may not be green)
 - 2. Temporary evidence of lawful permanent resident status, in one of the following forms:
 - a. A passport stamped "Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid Until _____. Employment Authorized."

b.	A departure record (Form I-94) with the	stamp describ	ped
	above or the following stamp: "Temporar	y Form I-551.	Admission
	for permanent residence at verified.	(port)	(date)
	(office of issuance)(signature of issuing officer	(date)	(title)."

This Form I-94 will also contain the individual's photo and an INS seal over the photo and the stamp.

The student who has an approved application for permanent residence on file with the INS and who is awaiting the receipt of the Alien Registration Receipt Card, may not have proof of his or her citizenship status. You should advise such a student to contact his or her INS office for the above described passport stamp or I-94.

- 3. A completed Application for Verification of Information from Immigration and Naturalization Service Records (Form G-641) as described below in Part VI.
- B. Documentation to Establish Lawful Presence in the United States for a Purpose Other Than Temporary:
 - 1. An individual in one of the following catergories with an I-94 stamped as described:
 - a. Refugee

One of the following stamps indicating the student has been admitted to the United States as a refugee:

- o "Admitted as a Refugee Pursuant to Section 207 of the Act. If you depart the United States you will need prior permission to return. Employment Authorized."
- o "Status changed to refugee pursuant to Section 207 (c)(2) of the Immigration and Nationality Act, on _____.

 Employment Authorized."

b. Person Granted Asylum

A stamp indicating that the student has been granted asylum in the United States. This stamp will state, "Asylum status granted pursuant to section 208, INA. Valid to_____. Employment Authorized."

Persons who have been granted asylum in the U.S. are given permission to stay for one year. At the end of this year, such a person is eligible to apply for permanent residence.

NOTE: A student in either of the above two categories who is applying for permanent residence may be required to return his or her original I-94 to INS. While the application is being processed, INS will give the student a copy of the original I-94 which will include the endorsement "209(a) pending. Employment Authorized." or "209(b) pending. Employment Authorized." Thus, the student is still eligible for title IV aid.

c. Conditional Entrant

A stamp indicating the student has been admitted to the United States as a conditional entrant. Although this status remains valid, the INS stopped admitting individuals into the U.S. in this status on April 1, 1980. Therefore, no I-94 showing admission in this status after March 31, 1980 should be accepted without first contacting INS.

d. Person Paroled

A stamp indicating that the student has been parc's States for an indefinite period for humanitarian words "indefinite" and/or "humanitarian" will be into the stamp.

e. Cuban - Haitian Entrant

A stamp across the face of the student has been classified "C Pending." This person may als stamp: "Cuban/Haitian Entrant January 15, 1981. Employment

Except for the departure record for students who have been granted asylum as mentioned above, all other departure records described above are valid indefinitely. Note that the Cuban-Haitian Entrant document is valid no matter what expiration date appears on it.

Because INS offices do not have uniform procedures or stamps, it may be difficult to determine if an individual is in an eligible category. For example, as discussed above, a refugee who is applying for permanent residence may have a copy of his or her I-94 stamped "209(a) pending. Employment Authorized." A person who has been granted asylum and who is applying for permanent residence may have a copy of his or her I-94 stamped "209(b) pending. Employment Authorized." However, a refugee or person who has been granted asylum who is applying for permanent residence, as well as a Cuban-Haitian Entrant applying for permanent residence, may have only "applicant for permanent residence" stamped on his or her I-94. Additionally, the Cuban-Haitian Entrant may be given a _eparate document indicating that his or her application for permanent residence has been received. In cases where the student's document does not indicate if he or she had been in another eligible category (as designated above), you should ask the student if he or she had been in another category (e.g., refugee). If so, the student should be told to request documentation from INS reflecting that information. If the student was not already in a category designated as eligible he or she is not eligible for Title IV aid. See Part VIII, below, for further information.

An individual with an F-l or F-2 Student Visa, or J-l or J-2 Exchange Visitors Visa, or G series Visa (pertaining to international organizations) is not eligible to apply for Title IV aid, unless his or her I-94 has one of the endorsements listed above. Also, someone who has only a Notice of Approval to Apply for Permanent Residence (I-171 or I-464A) cannot receive Title IV aid.

2. A completed Application for Verification of Information from Immigration and Naturalization Service Records (Form G-641) as described below in Part VI.

VI. Other Documentation to Establish Citizenship Status - Form G-641

If the student presents the Form G-641, Application for Verification of Information from Immigration and Naturalization Service Records, that form is acceptable to verify citizenship status if the following conditions are met:

- o Both the student's section and the INS section must be completed.
- o If one of the following has been completed by INS, no further documentation is needed:
 - "Lawful admission for permanent residence on ____at class ___"
 - "Naturalization information as shown above is correct."

o "Naturalization in (court)		on (date)	
o "At (location)	. 81		
o "Date of birth	. 17		

If the line "Arrival record dated showed subject's age at time to be ____ " is completed, the G-641 is not acceptable unless one of the acceptable stamps outlined in Part V is also on the G-641. These stamps are not automatically placed on the G-641. The student must request, in writing, that INS include on the G-641 the appropriate stamp as it appeared on his or her original INS document.

In the case of Cuban-Haitian entrants, INS generally is issuing only the endorsement "Cuban - Haitian Entrant" which is acceptable on the G-641 for such individuals. INS is no longer issuing the longer endorsements described above in Part V.

This material should address the majority of cases regarding the G-641. In situations where you are unable to determine a student's status, you should call INS or your Department of Education regional office for assistance.

As usual, you should contact INS if there is a question regarding the student's status.

VII. Recordkeeping Requirements and Photocopying Documents

You must keep a copy of the citizenship documentation submitted by the student in the student's file, or in the case of a Certificate of Citizenship or Naturalization, you must keep a record that you have seen the document as described in Part II.

The Citizenship or Naturalization Certificate cannot be legally photocopied by anyone. However, you or the student may photocopy the Alien Registration Receipt Card (I-551 or I-151), the departure record (I-94), or other documentation provided as proof of the student's citizenship status, as outlined above.

The Departure Record (I-94) may be stamped "illegal to photocopy." INS stamps it in this manner because it is illegal to photocopy the I-94 "other than for lawful intent." Because students must provide proof of their citizenship status for Title IV purposes, it is legal to photocopy the I-94 for Title IV purposes regardless of the I-94 stamp.

Sometimes the endorsement (a stamp) on the I-94 or other document does not photocopy due to the ink color on the original document. In these cases, you should ask the student to provide the original I-94 (or other relevant document) so that you can copy the exact endorsement onto the photocopy. As confirmation of the endorsement both you and the student should sign the photocopy.

VIII. Student's Status Determined in Previous Award Year

If you determine that a student is in one of the following categories or holds one of the following documents, you do <u>not</u> need to document the student's status for each subsequent award year:

- o U.S. citizen.
- o U.S. noncitizen National (a native of American Samoa or Swain's Island).
- o A permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.
- o Certificate of Citizenship or Certificate of Naturalization.
- o Form I-551 or I-151.

If you determine that a student holds one of the following documents or is in one of the following categories, you must document the student's status for each award year:

o Temporary Form I-551.

The student should have received his or her permanent I-551 by the next year and should not still be holding a temporary card. Before accepting this documentation a year later for a second time, you should refer the student to INS if he or she still has a temporary I-551. When the student returns, he or she should have received a permanent I-551 or should have had his or her temporary card updated with a valid I-551 stamp as described in Part V.

o Refugee.

The student may have been adjusted to permanent resident status or have had his or her status revoked.

o Person Granted Asylum.

Same as "refugee."

o Cuban-Haitian Entrant

Same as "refugee."

o Person Paroled.

Same as "refugee."

o Conditional Entrant

This individual is still eligible as long as he or she holds a departure record showing admission into this status through March 31, 1980. However, you should refer the student to INS, because INS is working on adjusting the status of this category of persons to permanent resident status. If INS continues to designate the student to be a conditional entrant, you should note in the student's file that INS confirmed the student's conditional entrant status.

If you determine that the student is in one of the following categories, you must document the student's status because these categories are no longer eligible:

- o Applicant for permanent residence holding an I-94 or passport with one of these endorsements:
 - "adjustment applicant."
 - "245."
 - "245 applicant."
 - "applicant for permanent residence."

As discussed in Part V above, this person is ineligible if he or she is $\underline{\text{not}}$ $\underline{\text{already}}$ in a category designated as eligible. An individual who has previously been in an acceptable category is still eligible as long as he or she provides the the necessary documentation.

- o Individual holding an I-94 with one of these endorsements:
 - "voluntary departure."
 - "deferred action."

IX. Common Problems in Determining Citizenship Status

A. Location of Endorsement (stamp)

Because the endorsement can be found anywhere on the I-94, it may be difficult to locate. You should note that although the endorsement may also be on the student's passport, it <u>must</u> be on the I-94.

B. Alternate Documentation from INS

INS offices do not have uniform procedures or stamps. If a student has documentation unlike that described above such as a letter instead of the expected stamp, he or she should be told to request the information described above from the local INS office. If that office cannot or will not provide the requested documentation but provides alternate documentation, you should contact that INS office to confirm that the student in question actually is in the status reflected by the documentation that he or she has from that INS office. If the INS office confirms the status, you can accept such documentation and should, as usual, make a copy of it for the student's file and note in the file that INS confirmed the student's status.

You should contact your local INS office if you have questions regarding the citizenship status of an individual. See the attached listing of local INS offices. If you have any questions regarding the eligibility for Title IV assistance of a student in a particular status, you should contact your Regional Office.

C. Document Expiration Date

If the expiration date on the documentation used to verify a student's citizenship status expires during the award year, you do not need to require proof of the student's new status as long as the date on the documentation is valid when you first determined the student's status for that award year.

D. Form I-551 with a Baby Picture

A student may have an I-551 with a baby picture. INS requires such a person to get a new picture and to be fingerprinted when he or she is 14 years old. However, INS does not initiate this process but expects the person to initiate updating his or her I-551. Therefore, if a student presents an I-551 with a baby picture, it is acceptable documentation of permanent resident status as long as you are able to confirm that the I-551 with the baby picture belongs to the student with identification with the student's picture and signature. You should advise the student of his or her need to meet the INS requirement for updating the I-551.

SUMMARY OF DOCUMENTATION OF CITIZENSHIP STATUS

CITIZENSHIP	ACCEPTABLE	DESCRIPTION IN		
o Citizen born in the U.S.	DOCUMENTATION - Birth certificate - Baptismal certificate - Voter registration card - Statement signed by a perso other than a family member e.g., priest, clergyman, doctor			
o Citizen <u>not</u> born in the U.S.	- Certificate of Citizenship - Certificate of Naturalizat - Form G-641	Part II, Part VI ion		
o Noncitizen National	- U.S. Passport stamped "non- citizen national"	- Part IV		
o Permanent Resident of the Trust Territory of the Pacific Islands	- Passport from the Trust Territory	Part IV		
o Permanent resident of the Northern Mariana Islands	- Passport from the Northern Mariana Islands	Part IV		
o U.S. permanent resident	 Alien Registration Receipt Card (Form I-551 or I-151) 	Part V		
resident	- Stamped passport*	Part V		
	- Departure record (I-94)*	Part V		
	- Form G-641*	Part VI		
o Person in the U.S. for	- Departure record (I-94)*	Part V		
other than a temporary purpose with the intention of becoming a citizen or permanent resident	- Form G-641*	Part VI		

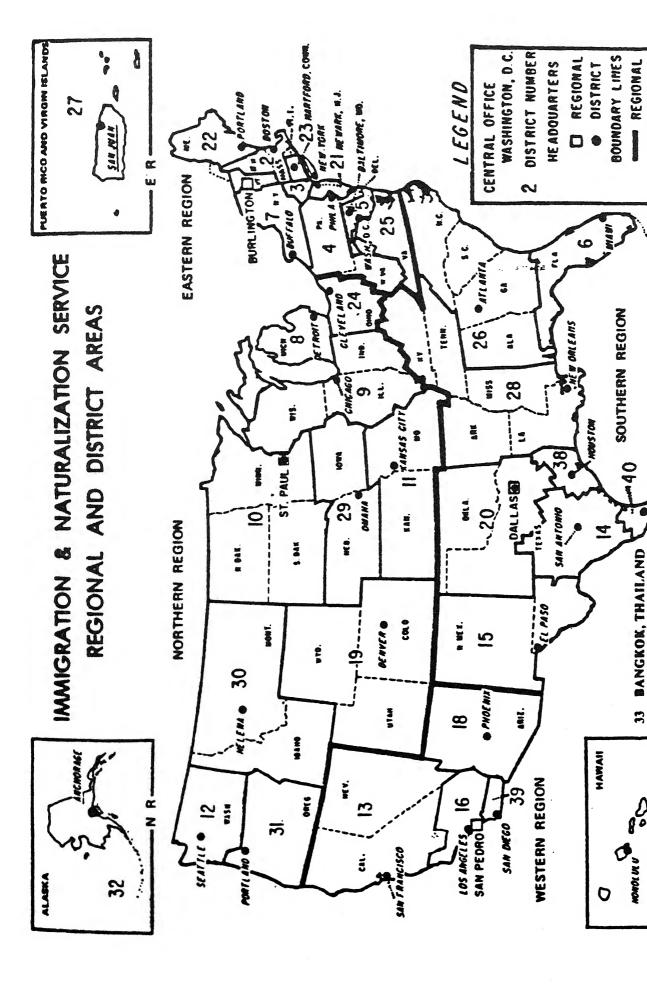


REGIONAL AND DISTRICT OFFICE LOCATIONS

OTHER OFFICES FROM WHICH INFORMATION CONCERNING IMMIGRATION AND NATURALIZATION SERVICE MATTERS MAY BE OBTAINED

13 Reno, NV 89502 (REN) Suite 150 350 South Center Street	22 St. Albans, VT 05478 (STA) Federal Building P.O. Box 328	11 St. Louis, MO 63101 (STL) 210 North Tucker Boulevard Room 100	19 Sait Lake City, UT 84101 (SLC) 230 West 400 South Street	12 Spokane, WA 99201 (SPO) 691 U.S. Courthouse Building		
9 Milwaukee, WI 53202 (MIL) Roum 186 Federal Building SI7 East Wisconsin Avenue	25 Norfolk, VA 23510 (NOR) Norfolk Federal Building 280 Granby Mall, Room 439	4 Pistsburgh, PA 15222 iT) 2130 Federal Building (ST	2 Providence, R1 02993 (SL (PRO) Federal Building (SL			
MIL) R	25 N (NOR) N	(PIT) 22	2 P (PRO) F	2 44		
Cincinnati, OH 45201 U.S. Post Office and Courthouse 100 East 5th Street	P.O. Box 537 Las Vegas, NV 89101 Federal Building	U.S. Courthouse 300 Las Vegas Boulevard South Memphis,TN 38103	814 Federal Office Building 167 North Main Street	9 Merrillville, IN 46419 MRL) 51 West 19th Place Georgetown Plaza		
24 C (CIN)	(FAC)	58	(MEM)	(MRL)		
(AGA) U.S. Immigration and Naturalization Service BOI Precific News Building 236 O'Harn Street 7 Albany, NY 12207 (ALB) Room 220 U.S. Post Office & Courthouse 45 Broadway 238 Charlotte, NC 28205 (CLT) 1111 Hawtherns Lane						
17 (AGA)	•	(ALB)	28 (CLT)			





M-6 (Rev. 8-1-84) N

DISTRICT

MEXICO CITY, MEXICO MALIMETE

35

E

ROME, ITALY

37